



# Report to Planning & Zoning Commission

Clay County, Missouri

**Case Number** Oct. 11-113 F

**Case Type** Final Plat

**Project Name** Muddy Fork Farms

Contact Nicholas Miller  
Aylett Survey & Engineering Co.  
201 NW 72<sup>nd</sup> Street  
Gladstone, MO 64118

Applicant Chester & Cheryl Thompson  
17407 NE 184<sup>th</sup> Street  
Holt, MO 64048

Owner << SAME AS APPLICANT >>

Request **Final Plat** approval of Muddy Fork Farms

Application Submittal 2011-09-06

Public Notice Published N/A

Neighbor Letters Sent 2011-09-16

Report Date 2011-09-27

REPORT AUTHOR(S) Matt Tapp, Director  
Debbie Viviano, Planner

Recommendation APPROVAL with conditions



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Clay County, Missouri

## General Information

**Site Location:** Approximately 18215 Highway 33  
Section 10 | Township 53 | Range 31

**Site Size:** 75.33± acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** None

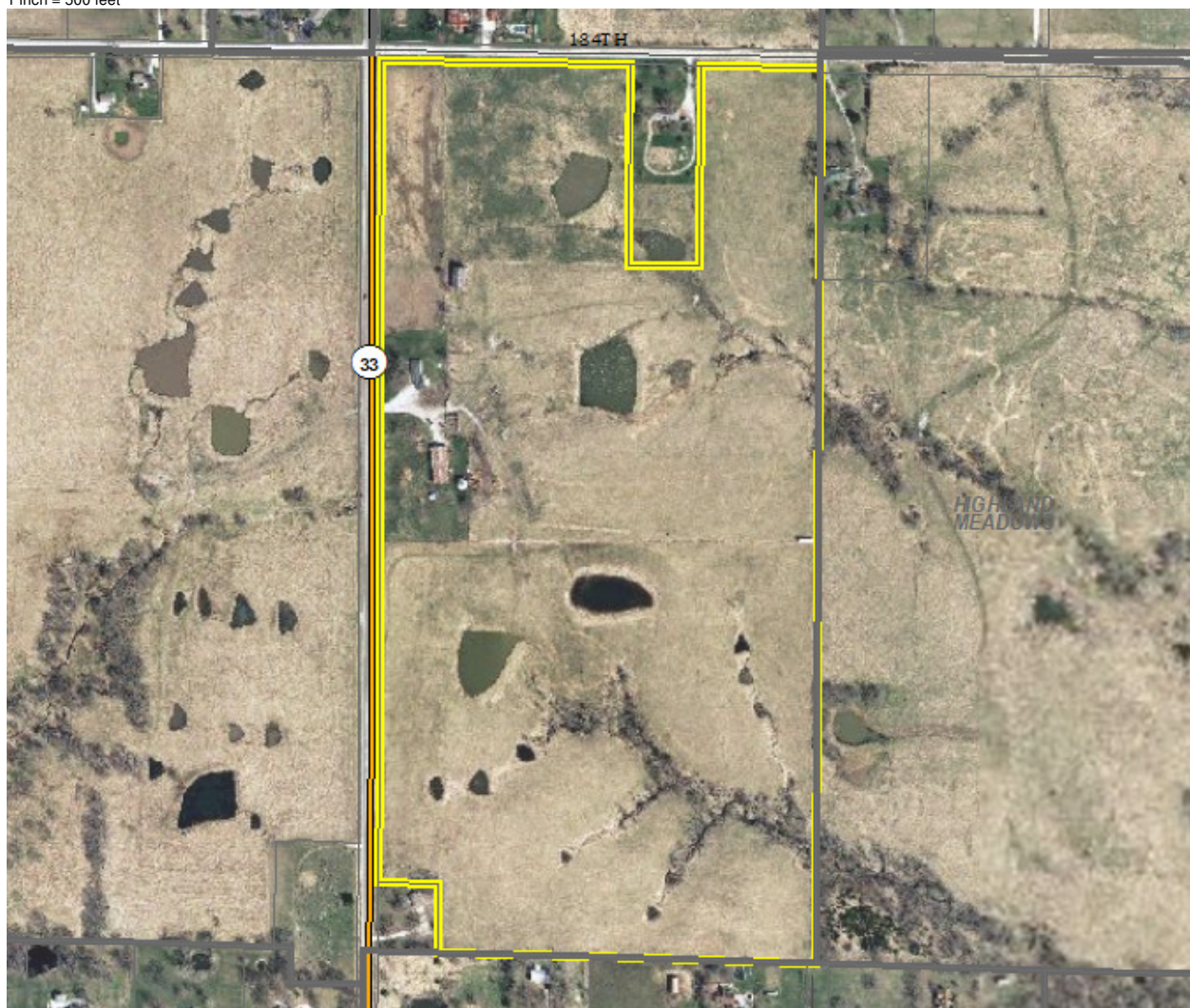
### Surrounding LandUse & Zoning:

- North – R-1 zoned subdivisions, Agricultural (AG) Zoned Land
- East – R-1 and one R-1A zoned subdivisions, Agricultural (AG) Zoned Land
- South – R-1 and few R-1A zoned subdivisions, Agricultural (AG) Zoned Land
- West – R-1 and few R-1A zoned subdivisions, Agricultural (AG) Zoned Land

### Current conditions:

**Existing Property Lines = YELLOW**

1 inch = 500 feet





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## Assessment

Chester and Cheryl Thompson, are requesting **Final Plat** approval for Muddy Fork Farms 75.33± acres located at approximately 18215 Highway 33.

The property owners would like to divide the land to create three (3) new additional single-family dwelling lots.

The prerequisite Rezoning and Preliminary Plat are being proposed in conjunction with this Final Plat request (see case number Oct. 11-112 RZ/P).

### **Character of the General Neighborhood**

To the north, east, and west lies Agricultural (AG) zoned property with a number of R-1 zoned subdivisions. A couple R-1A subdivisions exist to the south and west, along with some AG zoned property [See Attachment B].

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (C)** of the Clay County 2003 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat*.

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated September 16, 2011.

### **Outside Agency review**

The Clay County Highway Department has given approval and noted the following: "N.E. 184<sup>th</sup> St. & MO 33 Hwy. – Lot 1 – has no restrictions for sight distance or drainage off of NE 184<sup>th</sup> St. Lot 3 – minimal sight distance at east edge of property. Lots #2 & 4 has no Clay County jurisdiction for driveway permits. NE 184<sup>th</sup> Street is noted as 50' right-of-way (ROW) dedication this will need to be reduced to 30' ROW dedication. NE 184<sup>th</sup> is Chip and seal surfacing and will remain such. – MoDOT jurisdiction". In an email dated 09/02/2011, Missouri Department of Transportation indicated that the driveway servicing the existing residence on proposed Lot 2 meets current standards and Lot 4 would have no issues obtaining a new driveway. During a separate conversation, MoDOT also indicated that proposed Lot 1 would not have direct driveway access off of 33 Highway.

The Clay County Health Department has given preliminary approval of the project and noted the following: "Morphologies must be performed on lots 1, 3, & 4 before recording plat & lot 2 is verified not to discharge off of lot". Public Water Supply District (PWSD) #3 presently provides water service for the existing single family residence on proposed Lot 2, and is able to supply water for the additional two lots. The Holt Fire District serves this property.

The existing pond structure on proposed Lot 3 was inspected by the Clay County Soil and Water Conservation District with the following note: "The structure (pond) is low hazard class (a). The condition is good, and serves well for livestock and wildlife use".



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## Findings

The two (2) tributaries of Muddy Fork traversing the subject property are considered active stream channels, and as such must meet the required stream setbacks within Section 151-11.2 (C) of the LDC. The first 50 feet must be designated as "Zone 1" and the remaining 25 feet noted as "Zone 2" on the plat, and a note stating: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County"*. Any activity taking place within the Stream Setback zones should have approval of the Planning & Zoning Department.

Utility Easements (U.E.) of 7.5 feet on both sides of internal lot lines are a requirement for all subdivisions and must be added to the recording copies of the Final Plat.

Road Impact Fees (RIF) are not required for proposed Lot 2 as it occupies the existing single family residence. In addition, the owners are requesting a waiver for one of the new lots for a family member in accordance with Section 151-9.13, Waiver of Required Impact Fees § (3) of the LDC. However, RIF will be required for the 2 other additional lots generated and must be paid prior to the recording of the final plat.

## Recommendations

It is the recommendation of staff that the **Final Plat** for Muddy Fork Farms be **approved**, with the following conditions as shown on Exhibit A:

### Exhibit A

1. Road Impact Fee (RIF) agreement recorded and fees paid for 2 additional lots prior to the recording of the final plat.
2. Verification that the on-site sewage system serving the existing single family residence on Lot 2 does not discharge onto any other property.
3. Soil morphologies completed and approved by the Clay County Health Department for Lots 1, 3, and 4 before the recording of the final plat.
4. The following changes to the Final Plat:
  - a. ADD: 7.5 foot Utility Easements (U.E.) along both sides of the internal lot lines of all lots.
  - b. ADD: Stream Setback Zone 1 and Zone 2 graphics on plat map.
  - c. ADD NOTE: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County."*
  - d. CHANGE "2900860050 C" to "2900860040 C" in the floodplain callout text
  - e. CHANGE: NE 184<sup>th</sup> Street is noted as 50' ROW dedication - reduce to 30' ROW dedication.
  - f. CHANGE: Acreage amounts for Lots 1 and 3.

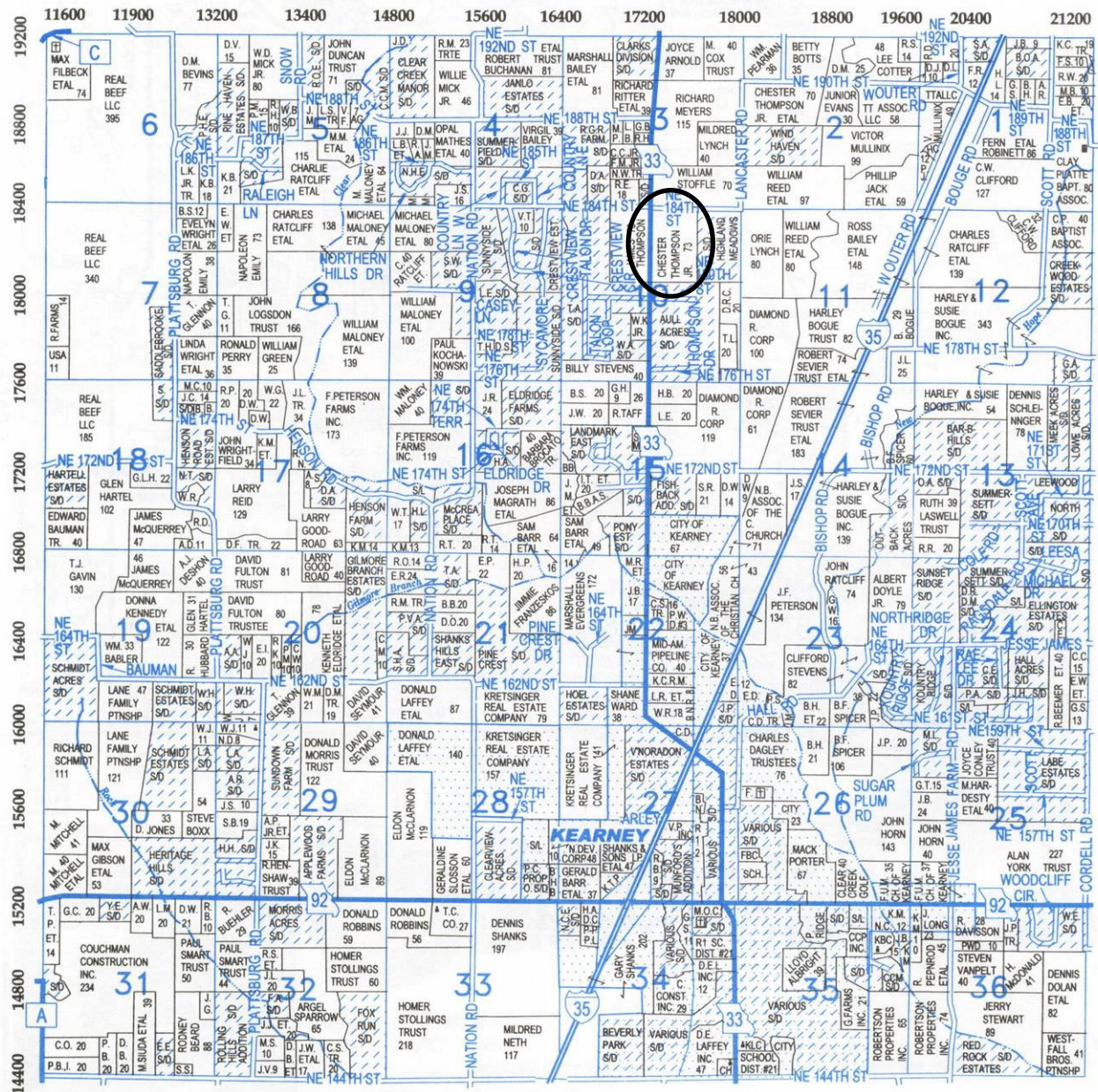




## Attachments

**Oct. 11-113F – Muddy Fork Farms**  
Attachment A - Vicinity Map

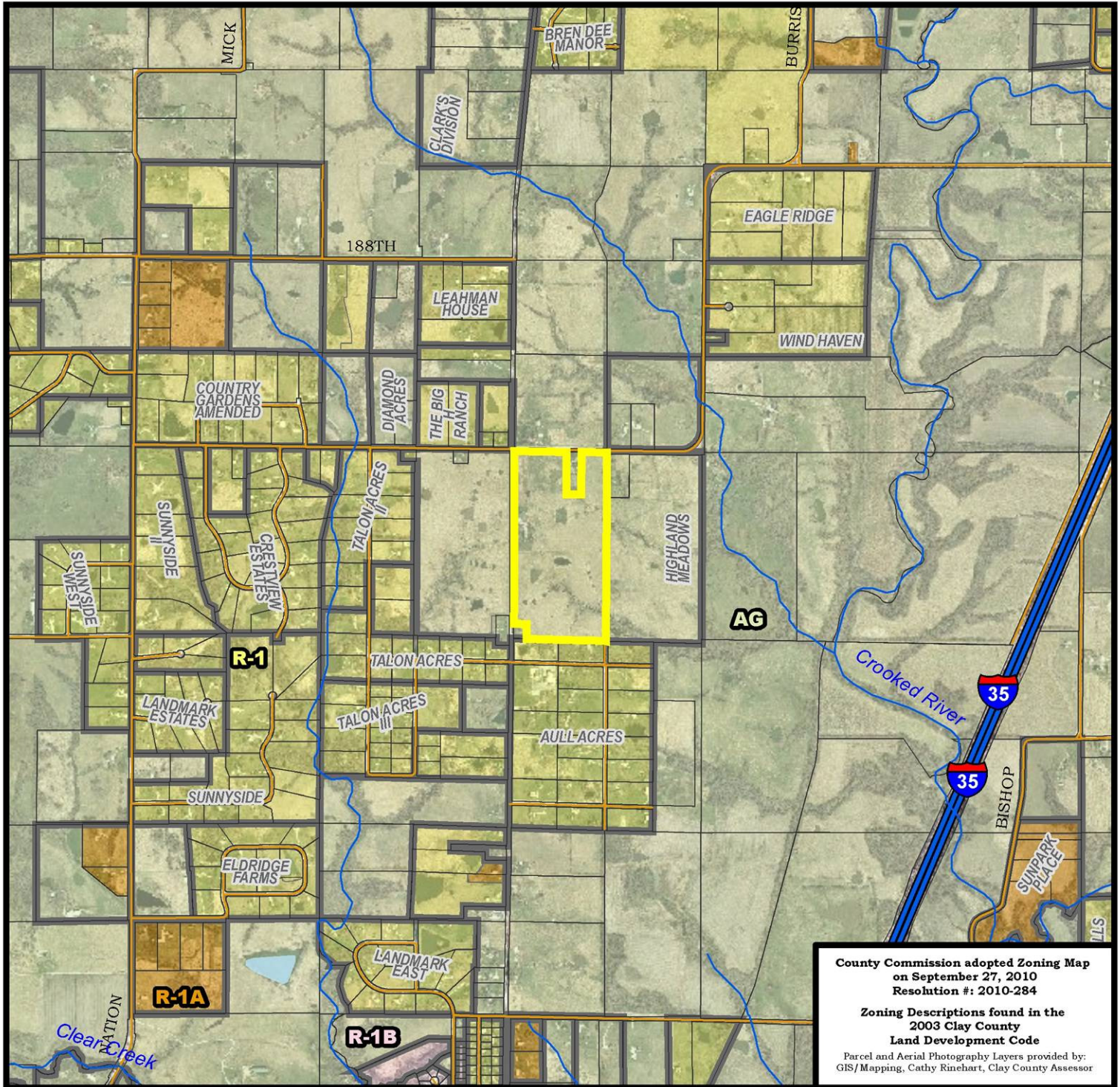
TOWNSHIP 53N • RANGE 31W





# Oct 11-113F - Muddy Fork Farms

## Attachment B - Existing Conditions Map



County Commission adopted Zoning Map  
on September 27, 2010  
Resolution #: 2010-284

Zoning Descriptions found in the  
2003 Clay County  
Land Development Code

Parcel and Aerial Photography Layers provided by:  
GIS/Mapping, Cathy Rinehart, Clay County Assessor

**Planning & Zoning Department**

1 inch = 2,000 feet  
1 inch = 0.38 miles

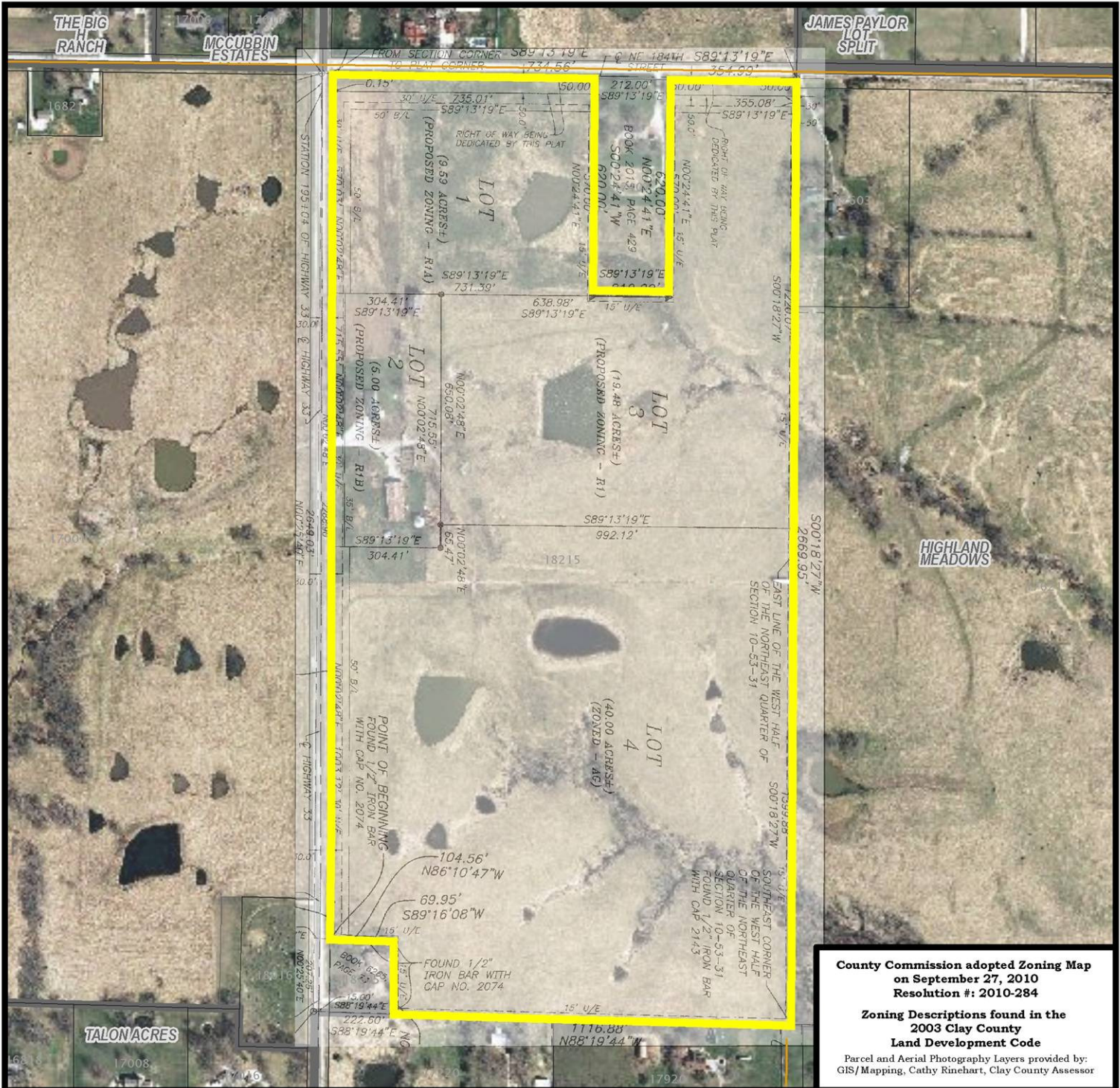
**LEGEND**

<span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px;"></span> Property Outline	<span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Roads	<span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Subdivisions	<span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Zoning Districts	<span style="background-color: #f4cccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-1	<span style="background-color: #f4cccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> AG/PUD
<span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> parcel	<span style="color: blue;">—</span> Interstates	<span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> County Boundaries	<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-2	<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1B/PUD	
<span style="color: blue;">~</span> Streams (EPA)	<span style="color: orange;">—</span> State Highways	<span style="background-color: #f4cccc; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> 2011 City Limits	<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-3	<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1/PUD	
<span style="color: black;">—</span> Railroads	<span style="color: orange;">—</span> Local Roads	<span style="background-color: #f4cccc; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Parks	<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2	<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1A/I-1/PUD	
	<span style="color: orange;">—</span> Highway Ramps		<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> OP	<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1B/C-2/PUD	
			<span style="background-color: #fce5cd; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1A/CD		



# Oct 11-113F - Muddy Fork Farms

## Attachment C - Site Plan Map



County Commission adopted Zoning Map  
on September 27, 2010  
Resolution #: 2010-284

Zoning Descriptions found in the  
2003 Clay County  
Land Development Code

Parcel and Aerial Photography Layers provided by:  
GIS/Mapping, Cathy Rinehart, Clay County Assessor

